White House Initiative on Educational Excellence for Hispanic Americans

Educational Standards, Assessment, and Accountability:
A New Civil Rights Frontier

Summary of a policy seminar series
September, 1999

The policy seminar series was held in cooperation with
the Office for Civil Rights, U.S. Department of Education

Background: National Policy Discussion on Assessment

To examine the impact of standards-based reform and testing, especially as it relates to Latino students, the White House Initiative on Educational Excellence for Hispanic Americans convened a four-part policy seminar series in Washington D.C. The series was offered in cooperation with the U.S. Department of Education's Office of Civil Rights and facilitated discussion from state and local education leaders, legal scholars, and education experts from around the country. Following is the title, topics addressed, and speakers for each of the four policy seminars.

Educational Standards, Assessment, and Accountability: A New Civil Rights Frontier April 7, 1999

This seminar laid the groundwork for subsequent discussions on the standards movement and its impact on the educational attainment of Hispanic students with a national, legal and political perspectives.

- ***Norma Cantú***, assistant secretary, Office for Civil Rights, U.S. Department of Education;
- ***Robert Schwartz***, president, Achieve, Inc.; and
- ***Raymund Paredes***, vice chancellor, University of California-Los Angeles.

Assessment as a Learning Tool: From Hope to Reality May 5, 1999

This seminar addressed the use of assessments as a learning tool and included a discussion of testing practices and accountability systems that promote educational excellence, including teachers.

- *Sonia Hernandez*, deputy superintendent, California Department of Education, and member, President's Advisory Commission;
- *Ana Maria Schuhmann*, dean, School of Education, Kean University, Union, New Jersey; and
- *Arthur L. Coleman*, deputy assistant secretary, Office for Civil Rights, U.S. Department of Education.

Current Policies and Practices in Assessing English Language Learners June 10, 1999

This seminar addressed the controversy that continues to surround language in the United States. Speakers discussed the impact of current national, state and local policies as well as the effective practices of educators that promote educational excellence for all students.

- *Delia Pompa*, director, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education; and
- *Mary Ramirez*, director of language equity issues, School District of Philadelphia, Pennsylvania.

A Look at Current State Practices July 20, 1999

This seminar focused on the efforts of state and local policymaking and the challenges they face as states progress toward full implementation of education reform. They described current strategies to provide all students in their system, and specifically Hispanic students, equal and equitable access to rigorous academic standards and instruction.

- *Norma Cantú*, assistant secretary, Office for Civil Rights, U.S. Department of Education;
- *Joyce Benjamin*, associate superintendent, Oregon Department of Education;
- *Jessie Montaño*, assistant commissioner, Office of Teaching, Minnesota Department of Children, Families, and Learning;
- *Linda Mora*, assistant commissioner for accountability and assessment, Texas Department of Education; and
- *Susan Scalifoni*, chief of staff for educational services, Houston Independent School District, Texas.

[Speaker comments are included throughout the summary.]

This policy series also complimented work by the President's Advisory Commission on Educational Excellence for Hispanic Americans and its Assessment Committee. On September 15th the Commission held a press conference and released a report "Testing Hispanic Students in the United States: A Report to the Nation" addressing this issue in more detail. The Committee is co-chaired by Commissioners Erlinda Archuleta from the Colorado Department of Education and Deputy Superintendent Sonia Hernandez of the California Department of Education.

Education of Hispanics

It is projected that by the year 2005, the Hispanic population will comprise the largest minority in the United States. This population is also one of the youngest. Today (1999), Latino students compose about 15 percent of the K-12 population, and it is expected that by 2010, they will represent about 25 percent of that population. The education of Hispanic students thus creates a great opportunity and an increasing challenge for schools throughout the United States.

While the Latino population continues to grow, the educational attainment of the Hispanic community continues to lag behind the rest of the nation, on average. The achievement gap between Hispanic students and their peers is the result of multiple factors, among them the low participation in pre-school programs, segregation in "resource poor" schools, high drop-out rates, low family incomes, and limited English proficiency.

It should be made clear that not all Latino students are "limited English proficient", or "English language learners". However, about 75 percent of English language learners are Hispanic [NCES: 1998 Condition of Education]. This factor complicates the educational assumptions and expectations the educational community has for Latino students.

What can be done to ensure that all Latino students graduate from high school, graduate from college, and secure high-skill, high-wage jobs in the next century? A combined effort involving parental involvement, adequate educational resources, quality teaching, and student support services are all essential. Another crucial element that can contribute to the improved educational attainment of Latino students is an equitable and quality educational system.

For the past several years, the nation has engaged in a movement to set standards for what students should know and be able to do that poses great opportunities for Latino students.

The Standards Movement

The standards movement is an attempt to refocus schools on their core academic mission, to bolster student skills and knowledge, and establish a powerful way of holding schools, students, and teachers accountable for student learning to high standards. By setting standards, states and school districts can identify what students are able to do at discrete points during their education. In turn, educators, policymakers, and the public can use standards to determine whether students and schools are meeting desired expectations and how much progress schools and teachers are making in helping students achieve the desired standards.

To assess student performance, experts are currently developing standards-based tests for implementation. However, some of these tests are being used to determine grade advancement or graduation. This use of tests for "high-stakes" (such as grade advancement or graduation) has many Latino educators and policymakers concerned about the accurate use of tests and how they are being implemented and interpreted, particularly for students still learning the English language. These tools have not been "stress tested" with the vulnerable Latino population; yet, in some cases, students are being impacted by high stakes test use.

Creation of a policy seminar series

Accountability measures for schools, teachers and students—linked to an expectation that all students can achieve to high standards—hold significant promise for our nation's youth, particularly Hispanic youth. The White House Initiative on Educational Excellence for Hispanic Americans recognizes the importance and value of standards-based reform but is also deeply concerned about the potentially inappropriate use of testing by states and school districts.

Despite the potential for meaningful reforms to benefit all children, the White House Initiative is also increasingly concerned—indeed, at times, alarmed—over the implementation of some education reforms. In particular, the rush to establish statewide tests as a single measure of mastery of coursework is of great concern. In many such cases, students will be held accountable even if they have not had the kind of instruction or support they need to allow them to succeed. This problem is particularly notable (and unacceptable) in cases where other students held to the same standard—often, not minority—have access to exemplary curricula, well-trained teachers, and the kind of learning environments that foster success.

To understand more about the effects of standards, assessment and accountability on Latino students, the White House Initiative launched a series of policy seminars in 1999. Partnering in this effort was the Office for Civil Rights, U.S. Department of Education. The series was intended to create a public dialogue about the strengths and challenges posed by the use of standard-based tests on Hispanic students, consider the risks and limitations, and provide information to help guide states and school districts on some promising practices.

This policy series summary provides many of the observations and concerns raised during discussion. It is intended to inform state and local discussions and prompt policies that advance fair and equitable accountability efforts that ultimately lead to educational excellence for all students, particularly Latino youth and those with limited English proficiency.

> *"The purpose of this seminar series is to discuss publicly suggestions to ensure that Latino children reap the benefits of standards-based accountability, while also illuminating those issues for consideration by the educational system that serves Latino children." ---Sarita E. Brown, Executive Director, White House Initiative on Educational Excellence for Hispanic Americans*

The National Context: Avoiding Inevitable Backlash to Assessments

Discussions on equitable assessment of student performance whose native language is not English is particularly timely and important. Education leaders are worried about the backlash to standards as large percentages of students, not just minority or low-income students, fail state standards-based tests. In September at the 1999 National Education Summit, the nation's governors, together with education and business leaders, launched a re-examination of the effectiveness of the standards movement and began to address problems likely to arise now that 48 of the 50 states hold students accountable for what they should know.

In New York, for example, fewer than half of the state's fourth graders met competency standards on the state's performance-based reading and writing test. The test was developed as part of an effort to raise standards for all students in the state. In fact, two thirds of the

75,000 test takers did not meet the minimum standards in New York City, which enrolls more than a third of the state's public school students.

In Virginia, officials have raised the stakes for students with new accountability measures. Starting in 2004, students will need to pass an exam in order to graduate. By 2007, low-performing schools will lose accreditation if 70 percent of their students fail to pass the exit exam. However, in January 1999, the state department announced that 97 percent of public schools failed the new state exam. In the first round of high-stakes student achievement tests, given in spring 1998, only 39 of the state's 1,800 schools—or 2.2 percent—met the performance goals on exams linked to the state's Standards of Learning. Given that the majority of schools are failing the exam, there is concern that students will be accountable even before schools.

With rigorous assessments being introduced across the nation, many more students from all parts of the country and in all categories may fail standards-based tests, and states as well as school districts will have to address the fallout. In particular, as we experience a decline in the test results among the previously defined "best" students, we must be concerned with the likely effect these tests will have on students who have struggled to move from grade to grade or even to stay in school. Efforts to introduce high-stakes testing without paying attention to minority and low-income populations could result in forcing Latino and other students to endure limited progress in closing the achievement gap.

Some observers note that progress in raising achievement for minority students is a key part of the state's accountability system. Only a few states, such as Texas and North Carolina, stand out for making progress in closing the performance gap revealed by the scores of minority and disadvantaged students on statewide exams. In Texas, for example, the passing rate for Hispanics on Texas Assessment of Academic Skills (TAAS) rose from 41 percent to 62 percent from 1994 to 1997. Texas students also made the most dramatic gains among the 39 states that participated in the fourth grade math portion of the 1996 National Assessment of Educational Progress (NAEP). Further, the state's black and white students had the highest average scores of any state, while its Hispanic students ranked sixth of Latinos in any state. Further, Texas' 11-point overall improvement in scores was the largest of any state in the nation.

The Promise of Standards-Based Reform

For standards to be effective, states and local school districts must invest appropriate resources to ensure that all students are provided with equitable opportunity to meet rigorous and challenging standards in all content areas. In the language of the standards-based reform, **content standards** are locally developed statements about what students must know and be able to do in education disciplines such as English language arts, mathematics, science, and social studies. **Performance standards,** set by states and local school districts, measure how well students should be expected to demonstrate their knowledge and skills in reaching content standards.

One of the most promising features of the standards movement is that it holds schools and students accountable for how well they can demonstrate increases in academic achievement. States and school districts are in the midst of an evolution in how they manage and motivate

institutions and educators to get better results for a broader range of students. Accountability measures are helping to examine progress being made in schools, by individual students, and by groups of students, including low-income and minority student populations. These measures can help identify what methods are working or need improvement, determine what targeted interventions might be made when progress toward the standards is lagging, and outline the kinds of steps that should be taken when schools chronically fail.

States and school districts are increasingly moving toward assessing students on the knowledge and skills they are expected to acquire. They are developing and implementing a variety of approaches to measure performance, including standardized tests, portfolios and other forms of assessment activities that require students to not only choose the best answer, but also explain the reasoning behind the answer or solve a problem. These performance assessments allow students to demonstrate and teachers to accurately describe what students know.

As a tool of accountability, assessment systems have a number of invaluable uses–they help determine how resources should be spent; they also provide a diagnostic evaluation of what extra help and tutoring students need and where teachers need to focus more attention or need more professional development. These assessments are also a tool to inform both teaching and learning. However, assessments are being used increasingly by states and school districts to make high-stakes decisions about whether a student should move from grade to grade or graduate from high school.

Politics and the Standards Movement

One of the major challenges confronting the standards movement is keeping politics out, and relying on what works to guide decision-making. On-going assessment should drive the process of educational decision making and identify the appropriate interventions, teaching strategies, supports, and other factors that inform the process, improve the education system, and increase student achievement.

> "California's standards movement became an ideological battleground. Decision on content standards was based on ideology. The standards advisory group to the governor worked on two sets of standards—one for reading/language arts and one for math. The first ended up promulgating phonics rather than a mix of phonics and whole-word, because of pressure from conservatives. Math became "drill-and-kills." In the domain of science, the majority recommendations were dropped in favor of a set advocated by one of the governor's appointees. The advisory group was disbanded before it even considered such enormous issues as LEP testing and the opportunity to learn standards."—*Raymund Paredes, vice chancellor, University of California, Los Angeles.*

Setting High Standards for All Students

> "If you don't have high standards and aligned assessments you don't have school reform. Raising expectations for all students is essential." *–Sonia Hernandez, deputy superintendent, California Department of Education, and member, President's Advisory Commission.*

The value of setting high standards for all students is that doing so publicly recognizes and affirms that all students can achieve to high levels. Standards and accountability are powerful vehicles that can help close the performance gap between white and minority students and between rich and poor school districts. Assessment and accountability tools help paint the picture of how far and how fast we need to go to improve student achievement so that no student is left behind. They tell us what the most important deficiencies are that need to be remedied, help evaluate and explain the effects of various interventions and help determine which ones can lead to ongoing, continuous improvement.

Standards and Civil Rights

Standards can form the basis for extending a civil rights perspective to the instruction of all children, including youth from low-income and language minority families because standards-based instruction makes it clear that all children need to be brought to observably high levels of performance. This school reform approach highlights disparities among groups of students and the schools' ability to support them and provides a legal, as well as educational, way to address fundamental fairness that focuses on results and not inputs.

Standards and Parent Involvement

> "Accountability is the biggest hope for parents to push for their children, giving them information to ask how their children are doing and why.*"—Delia Pompa, Director, Office of Bilingual Education and Minority Language Affairs.*

Under a standards approach, schools must respond to the needs of individual students, lest they become in danger of falling behind. Standards also allow parents to pose the following four questions to those managing their children's schools:

1. If you test my child against standards, can you assure me that his or her teachers actually taught the material that the test measures?
2. Can you assure me that my child's teachers are able to teach the content captured by the standards—that they have been properly trained and placed?
3. If my child is in danger of not meeting the standards--and there will be consequences--will you be able to warn me early enough so that we can intervene?
4. What support and extra help does the district provide for those children in danger of falling behind; and would my child qualify to receive help were they in danger?

The implementation of assessments, especially for Latino children, raises issues of usage and quality of the tests being implemented. Several factors must be considered:

- ✓ **The quality of tests being used:** In considering quality, the validity and reliability of tests must be examined. Many states are not taking a close enough look at these aspects of tests.

- ✓ **The purpose of the tests:** Test publishers may be developing tests that do not match the uses that states are targeting. For example, some tests are being used to make promotion decisions although they were not developed for this high-stakes purpose.

- ✓ **The type of tests:** Tests not based on common standards are problematic. These tests provide little information that is helpful in guiding a teacher's instruction.
- ✓ **The abuse or misuse of tests by states:** Many states are implementing assessment and education policies using tests in a manner not appropriate with the purpose for which the tests were created.

Sonia Hernandez, *Deputy Superintendent, California Department of Education, and Member, President's Advisory Commission.*

What Needs to Be in Place for Standards to Work for Latino Students?

In order for high standards to work, we need to ensure that three basic supports are available to all young people. These include:

1. **Adequate resources, teacher quality, and curricula** that enable students to achieve high standards;
2. **Fair and accurate performance measures** to ascertain whether students are achieving desired results; and
3. **Effective interventions and educational strategies** to ensure that students who are not yet meeting high standards can succeed.

1) Adequate Resources, Teacher Quality, and Curricula

Adequate Resources

The percentage of Hispanics living in poverty is three times greater than that of whites. Hispanic students attend schools likely to have large classes, inadequate learning materials, underprepared teachers, and limited access to rigorous courses in core academic subjects.

Teacher Quality

Ensuring that all students have access to qualified teachers is particularly difficult. In the words of one speaker, Ana Maria Schuhmann, dean of the School of Education, Kean University, in Union, New Jersey: "Teachers are the most important variable that influences student achievement….[M]ost teachers are not prepared or supported to ensure that students achieve the new higher standards. This is compounded by the fact that the least qualified teachers are in our poorest and most needy schools. Teachers are also less qualified to work with students who speak another language at home, despite the fact that such students represent one out of five children."

"…the least qualified teachers are in our poorest and most needy schools," *Ana Maria Schuhmann, dean, School of Education, Kean University, Union, New Jersey.*

Over the next several years, the nation will have to hire more than two million teachers to replace those in the profession who are leaving through retirement or attrition and to meet the needs of an expanding student population. [Source??] That is equivalent to hiring every doctor in the United States two and a half times over. Further complicating this shortage, the nation also faces severe shortages in math and science, special education, and in certain

geographic locations. Poor urban and rural districts face a dramatic shortage of qualified people. In addition to needing qualified teachers in key academic subject areas, students also need access to teachers who can use students' native languages and introduce aspects of their cultures into the learning program.

Meanwhile, the nation must also raise the skills and knowledge of the three million teachers currently in the classroom. A recent survey of more than 4,000 teachers by the U.S. Department of Education reveals that most teachers have limited preparation in the content students should know [SOURCE?]. The study indicates that only 38 percent have an undergraduate or graduate major in an academic field and just 22 percent of elementary school teachers have a degree in an academic field. In addition, only 20 percent of teachers surveyed said they were confident in using new technologies or working with students from diverse backgrounds, with limited proficiency in English or with disabilities.

Efforts to improve the quality of teaching have focused on creating incentives to bring more talented people into the profession; strengthening initial licensure in the field by raising testing requirements; and providing more opportunities for teachers to learn from experts and each other at the school site.

Curricula

Good teaching will have limited influence on students if they are not taking challenging courses. A new study by the Department of Education found that the completion of a solid academic core in high school correlates more strongly with college degree completion –especially for African American and Latino students—than high school test scores, grade point averages, and class rank [Source: Toolbox?]. According to the study, finishing a course beyond the level of Algebra 2 (for example, trigonometry and precalculus) more than doubles the odds that a student who enters postsecondary education will achieve a bachelor's degree.

In the past 20 years, buoyed by the National Commission on Excellence in Education, the number of students taking core academic courses has risen greatly. In addition, from 1984 to 1994, the proportion of high school graduates enrolled in core academic courses, including advanced mathematics and science courses increased dramatically.

Unfortunately, minority and economically disadvantaged students are still far less likely to have access to Advancement Placement (AP) courses and rigorous mathematics courses that are considered gatekeepers to success in college. A recent law suit filed by the Southern California chapter of the American Civil Liberties Union (ACLU), for example, charges that high schools with predominantly minority student populations offer fewer opportunities than schools with mostly white students to enroll in AP courses, making it more difficult for blacks and Hispanics to achieve success in college. The AP program allows high school students to earn college credit by taking yearlong courses in certain subjects and passing standardized tests in them. The College Board, the organization that sponsors the Standardized Assessment Tests (SAT), offers the program. In California, the program is especially important, the ACLU argues, because the University of California system gives extra weight to grades in AP classes when making admission decisions.

2) Fair and Accurate Performance Measures

The push for higher standards has brought considerable attention to the issue of testing and its effect on the 3.4 million Latino students still learning the English language. The issue does not affect just the five states that have the largest Latino population—California, Texas, New York, Florida and Illinois—it also has nationwide repercussions. The population of English language learners is expected to grow rapidly in the next few decades and to have an increasing affect on education's data-driven decisionmaking in a growing number of states. English language learners are present in almost half of our nation's school districts. In ten states, (Alabama, Alaska, Florida, Idaho, Nebraska, Nevada, North Carolina, Oregon, South Carolina and Tennessee), the population of students still acquiring English more than doubled between school years 1992-93 and 1996-97.

Standards-based tests being developed and implemented to determine which students will advance from grade to grade or graduate are still a relatively new tool in the apparatus of school reform. They have yet to be "stress tested" with young people still learning English, 70 percent of whom are Hispanic. "The implementation of assessments, especially for Latino children, is a cause for a great deal of alarm," warns Commissioner Sonia Hernandez, California's deputy superintendent of public instruction. "We need to know more about how tests are being used and the quality of the tests being implemented…We need to know that tests are valid and reliable and are used for the purposes for which they were designed. We must be sure the tests have been fully evaluated and are appropriate for the new uses states are considering."

Tests are tools whose effectiveness depends on how they are used. The tools we use to make potentially life-changing decisions about an individual's future must be legally defensible and educationally sound.

> "All tests are not created equal: You cannot begin to evaluate the soundness of any test without first understanding how the results will be used. For example, a test of Limited English Proficient students in English may be appropriate for diagnostic purposes or informing instruction, but not appropriate for making a promotion decision based upon a determination about their math skills."—*Arthur Coleman, deputy assistant secretary, Office for Civil Rights.*

Over the past decades, accountability tools have been misused to exclude students from access to rich course content or to make decisions about students' futures, for which the tests were not designed. The misuse of tests is a particularly sensitive topic for students still learning the English language. How can we be sure that Latino young people and others are tested fairly and that the results of those tests are interpreted accurately and used appropriately?

States and school districts need to be sure that the tests are implemented and interpreted fairly. That means that students should have multiple test-taking opportunities and time to master standards before they are measured on what they know. There must be alignment between what is taught and tested, and testing strategies must take into account the language in which the student learned the material; a highly relevant factor in determining the language in which the student should be assessed. Provisions, such as adequate time, should be made to ensure that English language learners can demonstrate what they know on the tests. In addition, tests

must be validated for the purposes for which they are used and high-stakes decisions should not be based only on one test but on multiple factors, such as multiple test scores, grades and evaluations. Commissioners note that one cannot begin to evaluate the soundness of any test without first understanding how the results will be used. For example, a test of LEP students in English may be appropriate for diagnostic purposes, to inform instruction, or as placement and exit criteria for instructional programs (such as gifted and talent, Title I or bilingual education), but not appropriate for making a grade promotion decision.

3) Effective Interventions and Educational Strategies

A growing body of research identifies the characteristics of schools that are effective in educating minority and disadvantaged students and English language learners. One study, *Dispelling the Myth: High Poverty Schools Exceeding Expectations*, (Education Trust, 1999) analyzed survey data from 366 top-performing high-poverty elementary and secondary schools in 21 states and found six important characteristics of these schools:

- Extensive use of state and local standards to design curriculum and instruction, assess student work and evaluate teachers;
- Increased instructional time for reading and mathematics;
- Substantial investment in professional development for teachers focusing on instructional practices that help students meet academic standards;
- Comprehensive systems to monitor individual student performance and provide help to struggling students before they fall behind;
- Parental involvement in efforts to help students meet standards; and,
- Accountability programs with real consequences for adults in the school.

Observers note that all of these factors taken together are far more important than any single factor for raising performance. In the rush to set high standards, policymakers cannot forget that Latino students—like other students—need comprehensive help beyond language acquisition.

To that end, in addition to developing standards-based accountability efforts, a growing number of states and school districts are funding summer school programs and special tutoring as their commitment to prepare students to perform successfully as the schools raise educational standards and eliminate social promotion.

> "We need to design instructional systems that neither stigmatize children who cannot be promoted nor subject them to the same instructional experience twice. Given that academic content standards are being held constant, the way they are met and the time it takes to meet them must be allowed to vary."—*Robert Schwartz, President, Achieve, Inc.*

Lessons from Research and Experience

Many of the challenges that Hispanic young people face on standardized state assessments have largely to do with how they learn language and become literate. There is growing agreement about this process that should have a profound importance in setting testing policies. The following are several important issues to consider.

How Do Students with Limited English Gain Literacy Skills? According to the National Research Council (NRC), school-age children with limited English proficiency should learn to understand and speak English before learning to read it ["Start Early, Finish Strong"]. Initial reading instruction is most effective in a student's first language, therefore, teachers should speak and use books and other materials in the student's first language. Children who can read in any language are readers and there is no reason to repeat the entire process of reading instruction if a child simply needs to learn English. To facilitate an understanding of English, teachers must assess the student's reading skills and abilities in the primary language and help transfer those abilities to reading in English.

Researchers say that when the curriculum is well-taught, content presented in the primary language can be easily transferred to English as the students' language skills develop. But the process takes time. Research indicates that, in the early grades, the reading and writing skills of students still learning the English language are 50 percent behind students for whom English is their native language [SOURCE?] Due to limited resources, lack of well-trained teachers, and other factors where Hispanic students are enrolled, English language learners must work twice as hard as native speakers because they are simultaneously learning the language as well as the ability to read. As a result, many Hispanic students lag behind in their education and find it difficult to attain a quality education. In fact, Hispanic high school students drop out of school at double the rate of non-Hispanics, and many attribute this to the lack of encouragement, engagement and support Latino students receive in the education system.

[Bring in something about the strong performance of students in bilingual settings. NABE states that students have the ability to outperform on tests when in good dual-language or bilingual programs, so don't just link success to standards; the importance of standards is their use to identify deficiencies in resources or knowledge that can be addressed]

When Should English Language Learners Be Tested? According to experts in the field [SOURCE?], most students cannot be validly tested until they have had at least three years of exposure to English, and even in those cases research indicates that they will need additional time, repeating of directions, oral reading of questions, and other accommodations until they have been determined to have truly acquired language proficiency.

In What Language Should Students Be Tested? There is a general consensus [among whom?] that states and districts should take into account the language of instruction in determining the language of testing. In addition, testing in Spanish or another language should not exempt students from opportunities to participate in tests administered in English. The school system must be accountable for providing students with assessments that accurately indicate what students know and are able to do in the core content areas.

Researchers [WHO?] note that if states are to test all students, they should develop benchmarks for English language acquisition that take into account the education strategies used to teach non-English speaking students as well as opportunities for students to learn the material on which they will be tested.

Can students be tested more fairly in Spanish in some subjects than in others? Research does not systemically indicate that some subjects are best tested in Spanish, although it is generally accepted that subjects such as social studies are more dependent on language than other subjects such as mathematics. But even in mathematics, many word problems could pose difficulties for students who are not native to the language of the test. In general, there is no answer or "one-size-fits-all" approach that will work in every case, and the use of multiple indicators will most likely yield the best description of a student's true knowledge and skills.

Any accountability system should underscore the importance of the Title I language about inclusion of broad groups of students in the regular mainstream tests across content areas. States or districts should constantly reemphasize the importance of including students in the same assessments and encourage the most accurate data collection for all students, which also entails using accommodations for students still learning English. It is important to note that institutional accountability for English language learners goes beyond just providing accommodations. Educators have the responsibility to address inclusion in the broadest sense, beginning with the development phase of the assessment system through administrating, scoring, and reporting.

Can Standardized Reading Tests Be Used to Determine English Language Proficiency?
Measuring reading ability and English language proficiency are two separate issues. The use of standardized tests for reading in English is not appropriate for measuring student progress in language development because the tests are created to evaluate the ability of native language speakers.

> "It is very important to distinguish between tests which measure English literacy (often called English language proficiency tests) and those which measure English language arts (ELA). It is true that in the early grades, much of ELA and especially reading tests are devoted to decoding etc., which are basic aspects of English literacy proficiency. However, beginning in about 4th grade and becoming increasingly so in the later grades, ELA is less about decoding or basic literacy assessment and more about literature and other aspects of language arts and advanced comprehension. For example, first, a 9th grade ELA test may very well evaluate what a student knows about Shakespeare. This is **not** the same as evaluating literacy for 9th graders.
>
> ELA tests do have some literacy evaluation components. However, especially for older students, this evaluation is often of a more advanced type of literacy assessment than the evaluation of basic literacy acquisition. For instance, most ELA tests for older students (grades 5 and up) assume a certain floor level of literacy. The types of reading or other literacy components being measured in these tests, then, identify nuances in reading or literacy which are typically acquired by older students who have been reading for some time and for whom English is their first language. Evaluation of the acquisition of these nuances and skills is not the same as measuring the acquisition of basic literacy skills. A student getting a 0 on this type of ELA test may or may not have mastered basic literacy." (Kopriva, 1999.)

Confusion between assessment of language arts and assessment of literacy can also lead to unnecessary prohibition of accommodations. If basic literacy is the focus, tests should be

expected to evaluate basic literacy, regardless of grade level. If ELA is the focus, some accommodations might make sense, and it should be clear that lack of mastery of advanced literacy does not mean students do not have basic literacy.
HAVE WE ADDRESSED ACCOMODATIONS IN ANY PREVIOUS PIECE OF THE SUMMARY??

Is Gaining Reading Proficiency More Important than Keeping at Grade Level in Other Subjects? For LEP students, it is important to master English and stay on grade level with course content. If these are both not explicitly encouraged then it is often implicitly understood that one is more valuable than the other. This is the cycle that often leads former LEP students into lower tracked academic classes in high school, and eventually higher drop-out rates. While English acquisition is very important, equally important is staying on grade level in core academic subjects.

Currently most states stress this dual goal more than in the past but still have a long way to go. In fact most educators focus only on ELA content area and therefore staying on track in the other content areas may not be seen as an equally important priority.

Testing Standards for Bilingual Americans: "An Unknown Degree of Error"

This fall, testing experts will release the fourth edition of *Standards for Educational and Psychological Testing* (*Standards)*, which provides regulations and policies in the development and use of tests in the United States.

The 1985 edition, published by the American Education Research Association, American Psychological Association, and the National Council of Measurement, includes a profound acknowledgement. "For a non-native English speaker or for a speaker of some dialects of English, every test given in English becomes, in part, a language or literacy test of English." Basically, this means that for bilinguals who have been exposed to another language, every test, except a test of English language proficiency, contains an unknown, though systematic, degree of error. Such tests, in effect, are biased because they may not be measuring accurately whatever is being measured. Accordingly, *Standards* calls for special attention to these issues in test development, test use, and test interpretation. It is also recognized that bilingual individuals vary extensively in their functional, academic and literate use of each language separately or simultaneously. Also, cognitive processing in the weaker language is more fragile and can be slower. Language background, in effect, is an important consideration in all aspects of testing and test validity.

With respect to using tests that are in the primary language of bilingual individuals, *Standards* makes several key pronouncements:

- Translating a test does not guarantee that the test items will have the same degree of difficulty in the other language. For example, a straight translation of a second-grade test of reading ability will not necessarily yield a second-grade reading test in the other language.

- Tests for gauging English language proficiency are vitally important for making educational placement decisions. However, to be accurate, these tests must assess multiple dimensions of language ability.
- Testing agents must make a distinction between "naturalistic" uses of language and more formal, cognitively demanding uses. Because of these "special difficulties" attendant on the use of tests with persons who have not had adequate exposure to the language of the test, *Standards* suggests that more testing and observations be done with them.

The 1999 edition reaffirms the principles of the 1985 standards. The new standards suggest that accommodations be undertaken with English language learners and, because cultural factors can also affect test scores, attention be paid to these factors. The new standards break new ground along several dimensions. They describe several types of modifications that may be necessary for English language learners: using only sections of the test that match the linguistic proficiency of the test taker, changing the test and response formats, administering the test in a different context, and allowing more time for taking the test. Most of these modifications are currently under study.

A new directive in *Standards* calls for taking into account a determination of both language dominance and language proficiency. Consideration should be given to the possibility that bilinguals may have domain-specific competencies in one or both languages (???). It is recommended that an individual's degree and type of bilingualism be understood in order to use test results properly.

Extensive attention is given to the process of administering tests and to the possible impact of test-giver variables (culture, bilingualism, gender, time limits and use of interpreters). A crucial principle is recommended for testing English-language learners: give them enough time to finish the test and to show what they know and can do.

Of the 11 standards in the new chapter "Testing Individuals of Differing Linguistic Backgrounds", five are new:

- When there is empirically based doubt about a test, validity studies should be conducted with the relevant linguistic groups;
- The test should be given in the most proficient language of the test taker (when such tests are available in both languages);
- Tests in another language should have evidence of validity and reliability before making inferences about scores;
- Equivalence across dual language versions of the same test should be supported by psychometric evidence of such equivalence (e.g., construct, reliability, validity);
- Interpreters should be competent in both languages, be competent in interpretation, and be competent in testing and assessment procedures.

From: *Testing Hispanic Students in the United States: Technical and Policy Issues*, President's Advisory Commission on Educational Excellence for Hispanic Americans, September 1999, by Richard A. Figueroa and Sonia Hernandez (unpublished).

Model State Practices

Several states and school districts are sensitive to the concerns raised in the last section and have developed useful policies and thoughtful assessment programs that promote achievement rather than punish students.

Oregon

In 1991, **Oregon** enacted one of the most comprehensive standards-based reform laws in the country, requiring, among other things, valid and reliable assessments of its 500,000 students. Known as the Oregon Educational Act for the 21st Century, the initiative led to the development of curriculum goals, content standards, performance standards and indicators aligned with the new performance-based assessments. The system offers assessments in English and Spanish to accommodate those limited English proficient students among the state's 4,000 Hispanic students. The tests are given in grades 3, 5, 8, and 10 so that school officials know early on what students can and can't do. Students who achieve the grade 10 performance standards in academic content areas will receive a Certificate of Initial Mastery. Students who achieve grade 12 performance standards in academic content areas and achieve career-related learning standards will receive a Certificate of Advanced Mastery.

To ensure the validity and reliability of the assessments, rather than translating the English test into Spanish, the state created a Spanish-language test with questions that matched the psychometric properties of the English version. The test is designed to measure student progress and diagnose areas where more help is needed. Questions that could not be matched have been dropped from both tests. Teachers can decide on a case-by-case basis which students will take the Spanish version of the test. Further, students who are not literate do not take the test.

Texas

The **Texas** Education Agency is using one of the most stable yet flexible assessment programs to monitor the progress of three million students in 1,042 districts served. The school accountability system, established in 1992, addresses the state's concern over twin issues of equity and excellence for all students while also ensuring that what gets tested is what gets taught. Student performance is measured through the state's assessment system as well as on the basis of information collected from teachers.

> "[Texas] is committed to equity and excellence for all. In 1992, the state established a school accountability system. The system actually pulled together components that had been established earlier. Components include student assessments as well as information collected from teachers. The accountability system was designed to (a) help improve student performance, (b) help districts plan, and (c) permit flexibility in the ways districts teach the state curriculum. The 1992 system has remained stable across both Democratic and Republican administrations.—*Linda Mora, assistant commissioner for accountability and assessment, Texas Department of Education*

"Testing begins in 3rd grade but students are given multiple opportunities to pass a high-stakes test," said Linda Mora. "Schools are required to offer special assistance to students who initially do not pass. Thus, intervention will be early." The high school test, she said, does have consequences—a student cannot enter college without passing it.

The accountability system was designed to help improve student performance and to help districts plan their school improvement strategies, while permitting districts greater flexibility in teaching state-mandated curriculum. Individual school results on student performance are publicly reported along with attendance figures and the drop-out rates.

What is particularly unique about the Texas system is that, to be considered successful, a school or district must not only succeed in reaching high standards for its students as a whole but for distinct subgroups of students by race, ethnicity and socio-economic status.

Taking advantage of the state system's flexibility, **Houston's** school district has opted to maintain its own accountability system. Under the district system, low-performing schools are required to work with Targeted Assistance Teams dispatched from the district to help the school develop a plan of action for improving student test scores. This direct assistance is triggered automatically and is designed to provide schools with the kind of technical assistance they need to align staff development with content and performance standards, while holding local officials responsible for their students' academic success.

The system enables district officials to monitor each school's progress over time and actively intervene to improve the schools when needed. The accountability system and the targeted assistance teams have, together, enabled schools to determine the kinds of resources and staff development activities that would make the biggest difference in student learning.

Minnesota

In **Minnesota**, the absence of a statewide curriculum left state officials in the dark when it came to knowing the performance levels of their school districts. To remedy the problem, the state implemented a new statewide assessment system, prompting district officials to reexamine the scope and sequence of their curriculum. The state is currently developing performance-level benchmarks.

The new statewide accountability system factors in programs for economically disadvantaged students and those with limited English proficiency. A new English language skills test will be used to determine when LEP students are ready to participate in the statewide assessments, which are administered in English.

Worrisome Policies

Observers note that while model practices are being developed, there also are some policies and practices that are particularly worrisome. These include requiring English-only tests for high-stakes decisions; providing no support for students to achieve new standards and requirements; and using tests that are not aligned to what is taught and learned in school.

Typically poor policies for English language learners focus solely on making up for deficits in English language proficiency and at the same time sacrificing progress in content areas. In some cases, schools attempt to immerse students in English as a Second Language classes and nothing else, so that students do not get the content they need in academic courses. Also, there have been instances of school districts using English oral proficiency as a prerequisite for

important courses. Schools must not use lack of proficiency as a way to deny access to courses that meet graduation requirements.

Basic Questions for Educational Decisonmakers

During the White House Initiative's four policy seminars, observers noted some simple questions to use to determine how well or poorly tests work. Educational leaders should be able to answer the following questions:

- Are students being afforded or denied educational opportunities based on test scores?
- Even if not used for such high-stakes purposes, do assessment systems that influence decisions about allocation of resources, interventions designed to promote better learning, and guidance provided to parents about their children's progress take into account all students?
- Are there inequities in the treatment of students or disparity in the performance of particular groups of students? What are the explanations for those disparities?
- Is the test used with other information to make high-stakes decisions or is it the sole criterion?
- Are there educationally—and psychometrically—sound foundations for the judgments made about students when those judgements are based upon test scores?

Emerging Questions

There are several fundamental areas in testing where policymakers disagree among themselves and where practice and researchers are at odds.

Who Should Be Tested? While many observers argue that all students count and must be counted, a new report by the Council of Chief State School Officers (CCSSO) indicates that of the 49 states with student assessments, 29 states exempt limited-English proficient students from all assessments, and 11 states exempt these students from some assessments [SOURCE?]. Only four states do not allow exemptions for students with limited English abilities, according to the CCSSO.

For example, Maryland allows a one-year-only exemption from its assessment program and Kentucky exempts students with limited English proficiency if they have been in the schools less than two years. Texas permits school districts to exempt Spanish-speaking students up to three times before requiring the assessment.

If states are allowed to decide whether or not these students should be tested, state education agencies will shy away from including all students. States and local agencies must work together to create assessments that make pedagogical and academic sense for all students.

How High Should We Set the Bar? Some states, such as New York, have introduced standards that are benchmarked to the most rigorous in the world, while others, such as Texas, have developed a means to gradually raise the rigor of their assessments. THIS DOESN'T ANSWER THE QUESTION POSED!

How Should Test Scores Be Used in High-Stakes Decisions? Today, 20 states have established high-stakes assessments for students. While state policymakers appear intent on using test scores alone to determine who moves along in the educational system, many observers argue that decisions about whether to pass a student from grade to grade should not be made on a single set of test scores. Tests should be one instrument among many. Multiple indicators, including teacher judgments and evaluations, grades, other tests, can help determine if a student knows what he or she should know at a certain grade level.

The White House Initiative's Standards and Assessment Agenda

Over the next nine months, the President's Advisory Commission and the White House Initiative on Educational Excellence for Hispanic Americans will continue to build upon, inform, and contribute to the many efforts designed to promote high standards for all students, including Latinos.

In its role as an advisor to the Clinton administration, the President's Advisory Commission will further explore the effects of standards on students learning English and the impact of federal programs, such as Title 1, on the achievement of Latino students. The Commission will also work closely with the U.S. Department of Education's Office for Civil Rights to help ensure that ELL students are afforded educational opportunities guaranteed under federal law and that tests used to make high-stakes decisions are fair and accurate.

Beyond these efforts, the White House Initiative sees three key areas of work that need to be addressed:

- **Further examination, research and dissemination of promising practices** concerning the administration, interpretation, and use of tests for English language learners. We particularly need to know more about what accommodations are most effective and what are the best practices that can help ensure valid decisions about placement, promotion, and graduation. A new tool kit for school districts seeking to better meet the needs of English Language Learners is now being developed by the Council of Chief State School Officers. This tool kit will help make best practice everyday practice in schools.

- **Promote better public awareness** about the complexities of standards-based reform initiatives and issues surrounding the use of high-stakes tests for English Language Learners. A new resource guide on high-stakes testing being developed by the U.S. Department of Education's Office for Civil Rights will create a foundation for continuing a national dialogue, awareness and understanding.

- **Foster stronger engagement with state and local leaders** about the importance of using tests in ways that are valid and reliable and about the need for more equitable opportunities for Hispanic students to achieve desired results.

Researchers, educators, and leaders of the Latino community must compel state and local leaders and the public to face the reality about the growing percentage of students who are

still learning English and what can be done to ensure that they not only master English but succeed in core academic courses necessary for careers and further education.